

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

TIMOTHY C. HAITHCOX

Case No. 06-11756

Plaintiff,

HONORABLE ARTHUR J. TARNOW
DISTRICT JUDGE

v.

MARY GRAINER, M.D., ET AL.,

HONORABLE R. STEVEN WHALEN
MAGISTRATE JUDGE

Defendants.

**ORDER ADOPTING THE MAGISTRATE JUDGE'S REPORT AND
RECOMMENDATION [116] GRANTING DEFENDANT CMS'S MOTION FOR
SUMMARY JUDGMENT [98], GRANTING DEFENDANT GRAINER'S MOTION FOR
SUMMARY JUDGMENT [99] AND DENYING AS MOOT DEFENDANTS CMS AND
GRAINER'S MOTION TO DISMISS [87]**

On March 15, 2010, Magistrate Judge Whalen issued a Report and Recommendation [116] that Defendant CMS's Motion for Summary Judgment [98] and Defendant Grainer's Motion for Summary Judgment [99] be granted and that Defendants' Motion to Dismiss [87] be denied as moot.

The Court has reviewed Report and Recommendation and record in this case.

Defendant has failed to respond to the summary judgment motions despite Magistrate Judge Whalen's December 16, 2009 order [112] for Plaintiff to do so within thirty days.

The Report and Recommendation of the Magistrate Judge is hereby **ADOPTED** and is entered as the findings and conclusions of the Court.

Accordingly,

IT IS ORDERED that Defendant CMS's Motion for Summary Judgment [98] and Defendant Grainer's Motion for Summary Judgment [99] are **GRANTED** and Defendants' Motion to Dismiss [87] is **DENIED** as moot.

Pursuant to Local Rule 7.1(h), Plaintiff may file a motion for reconsideration within fourteen (14) days after entry of this order.

SO ORDERED.

S/ARTHUR J. TARNOW
Arthur J. Tarnow
United States District Judge

Dated: March 31, 2010

I hereby certify that a copy of the foregoing document was served upon counsel of record and

Timothy Haithcox #207322, 9450 W. L Avenue, Kalamazoo, MI 49009 on March 31, 2010, by electronic and/or ordinary mail.

S/LISA M. WARE
Case Manager